

Remarks

The Rejection of Claim 1, 4 and 7-9 under 35 U.S.C. 102(b)

The Examiner rejected Claims 1, 4 and 7-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,091,911 (Sakano et al.). More specifically, the Examiner indicated that Sakano et al. teaches a switch (51) operatively arranged to control an illumination source (324) and a control (50 or 315) for sensing inactivity of the switch and for turning off the illumination source (324) after a predetermined time period of inactivity. See Figures 8 and 26, col. 10 lines 56-67, col. 11 lines 1-67, col. 17 lines 36-67 and col. 18 lines 1-24. Applicants respectfully traverse the rejection.

Referring now to Sakano et al., when exposure operation switch 51 is pressed in the state at Step 7 (S7), light is temporarily directed to the photometric optical path C (FIG. 4), the photometry and the calculation of the shutter time are conducted, and the prisms 111a and 111b are moved further to the positions shown in FIG. 6 (Col. 12, lines 6-11). Control unit 50 takes the information obtained from switch 51 (and several other photo-sensors and detectors) to control operations of the motor 14 and the shutter 112 (Col. 10, lines 61-67). Thus, Sakano et al. do not teach the control unit 50 sensing inactivity of switch 51 and turning off the illumination source after a predetermined time period of inactivity. Indeed, instead of regulating the illumination source after a predetermined time of inactivity, control unit 50 regulates other components (shutter and prism motor).

Furthermore, control unit 315 controls ON/OFF operations of the illuminator 324 for illuminating the reticle 323 and opening/closing of the shutter 312 based on three signals (an operation signal which is sent from the operating member 317, a photometric value detection signal which is supplied from the photometric detector 311, and a detection signal from the object detector 316) (Col. 17, lines 36-46). None of these three signals relates to sensing the time period of inactivity of a source of illumination. Thus, the turning off of an illumination source in Sakano et al., does not, in any way, correlate with the time period of inactivity of a source of illumination. Thus, Sakano et al. do not teach means for sensing inactivity of said switch and for turning off said illumination source after a predetermined time period of inactivity.

The Examiner also rejected independent Claim 7, stating that Sakano et al. disclose the microscope comprising at least one switch element (51) operatively arranged to control the power supply and control (50 and 315), for sensing inactivity of said at least one switch element and for turning off the power supply after a predetermined time period of inactivity. See Figures 8 and 26, col. 10 lines 56-67, col. 11 lines 1-67, col. 17 lines 36-67 and col. 18 lines 1-24.

It should be appreciated, however, that neither control unit 50, nor 315, teach turning off a power supply after a predetermined time period of inactivity as required by Claim 7.

Finally, the Examiner indicated that Sakano et al. teach all of the features of independent Claim 9 including a microscope comprising the steps of: control (50) for monitoring activity of a switch operatively arranged to control illumination source (103); and, turning off said illumination source after a predetermined time period of inactivity. See figures 7-9, col. 10 lines 31-67 and col. 11 lines 1-55.

It should be appreciated, however, that "illumination source (103)" identified by the Examiner is actually a sample, presumably one which emits light, rather than an illumination source of the microscope. While a sample may comprise an illumination source, this is not the ordinary meaning of the term and the sample is not an actual component of the microscope itself. Certainly, control (50) does not "turn off" the sample after a predetermined time period of inactivity. Instead, control (50) takes the information obtained from switch 51 (and several other photo-sensors and detectors) to control operations of the motor 14 and the shutter 112 (Col. 10, lines 61-67). Thus, while switch 51 may control the illumination source, control (50) does not sense inactivity of switch 51 and turn off the illumination source after a predetermined time period of inactivity as required by Claim 9. Again, instead of regulating the illumination source based after a predetermined time of inactivity, control (50) merely regulates other components (shutter and prism motor).

Hence, for the reasons set forth above, Applicants respectfully submit that Sakano et al. do not anticipate the microscope of Claims 1, 4 and 7-9 and Applicants courteously request reconsideration of the rejection.

The Rejection of Claim 2-3, 5-6 and 10-11 U.S.C. 103(a)

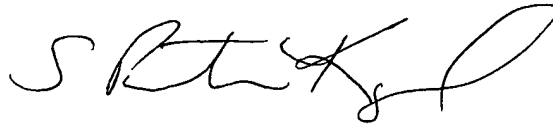
The Examiner rejected Claims 2-3, 5-6 and 10-11 under 35 U.S.C. §103(a) as being obvious in view of the teachings of Sakano et al. Applicants respectfully traverse the rejection.

Applicants respectfully submit that Claims 2-3, 5-6 and 10-11 all depend from patentable, non-obvious base claims. Hence, by virtue of their dependency therefrom (Claims 1 and 9), Claims 2-3, 5-6 and 10-11 are also non-obvious. Reconsideration of the rejection is respectfully requested.

Conclusion

For the reasons set forth above, Applicants respectfully submit that the present application for patent is in condition for allowance, which action is courteously requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Peter Konzel', with a stylized, flowing script.

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